

Introduced by Senator Hall

February 18, 2016

An act to amend Section 5273 of the Business and Professions Code, relating to outdoor advertising.

LEGISLATIVE COUNSEL'S DIGEST

SB 1199, as introduced, Hall. Advertising displays: redevelopment agency project areas.

Existing law, the Outdoor Advertising Act, provides for the regulation by the Department of Transportation of advertising displays, as defined, within view of public highways. The act regulates the placement of off-premises advertising displays along highways that generally advertise business conducted or services rendered or goods produced or sold at a location other than the property upon which the display is located.

The act also provides that an advertising display advertising businesses and activities within the boundary limits of, and as a part of, an individual redevelopment agency project, as those project boundaries existed on December 29, 2011, may remain and be considered an on-premises display, until January 1, 2023, if the advertising display meets specified criteria. The act further authorizes, on and after January 1, 2022, the applicable city, county, or city and county to request from the department an extension for good cause, as specified, beyond January 1, 2023, not to exceed the expiration of the redevelopment project area.

This bill would make a nonsubstantive change to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 5273 of the Business and Professions Code is amended to read:

5273. (a) Notwithstanding the dissolution of a state redevelopment agency, and subject to subdivision (b), for purposes of this chapter, an advertising display advertising the businesses and activities developed within the boundary limits of, and as a part of, an individual redevelopment agency project, as those boundaries existed on December 29, 2011, may continue to exist and be considered an on-premises display, as defined in Section 5490, if the advertising display meets all of the following conditions:

(1) The advertising display is located within the boundary limits of the project.

(2) The advertising display was constructed on or before January 1, 2012.

(3) The advertising display does not cause the reduction of federal aid highway funds provided pursuant to Section 131 of Title 23 of the United States Code. If an advertising display authorized under this section is subject to a notice from the United States Department of Transportation, the Federal Highway Administration, or any other applicable federal agency to the state that the operation of that display will result in the reduction of federal aid highway funds as provided in Section 131 of Title 23 of the United States Code, the display owner or operator shall remove all advertising copy from the display within 60 days after the date the state notifies the owner or operator, and the applicable city, county, or city and county, by certified mail, of the receipt of the federal notice. Failure to remove the advertising copy pursuant to this paragraph shall result in a civil fine, imposed by the California Department of Transportation, of ten thousand dollars (\$10,000) per day until the advertising copy is removed. The department shall not assume any liability in connection with the cessation of operation or removal of an advertising display or advertising copy pursuant to this paragraph. If the name of the owner or operator of the display is not indicated on the display, the state is only required to send the notice to the applicable city, county, or city and county.

1 (b) An advertising display described in subdivision (a) may
2 remain until January 1, 2023, after which date the display shall be
3 removed, unless it otherwise qualifies as a lawful advertising
4 display pursuant to this chapter, without the payment of any
5 compensation to the owner or operator. On and after January 1,
6 2022, the applicable city, county, or city and county may for good
7 cause request from the department an extension beyond January
8 1, 2023, not to exceed the expiration of the redevelopment project
9 area. “Good cause” for these purposes means *that* all of the
10 following are satisfied: (1) there has been a finding by the
11 applicable city, county, or city and county that the advertising
12 display has had a positive economic impact on the redevelopment
13 project area and provides a public benefit, (2) there have been no
14 violations by the display owner or operator of this section or of
15 any applicable illumination standards in the previous 10 years that
16 have not been corrected within 30 days of the date of mailing of
17 a violation notice to the owner or operator by the department, and
18 (3) there has been compliance by the owner and operator with all
19 other standards adopted by the applicable city, county, or city and
20 county, or by the department.

21 (c) The applicable city, county, or city and county shall be
22 responsible for ensuring that an advertising display is consistent
23 with this section and provides a public benefit. This provision shall
24 not be construed to preclude any enforcement authority of the
25 department under this chapter.

26 (d) The applicable city, county, or city and county shall annually,
27 by December 31, certify to the department that the advertising
28 copy of the advertising display is advertising businesses or
29 activities operating within the boundaries of the redevelopment
30 project area and that at least 10 percent of the advertising copy,
31 up to a maximum of 100 square feet, is used to display the address
32 or location or locations of the business or activity, or to identify
33 the route to the business or activity from the nearest freeway
34 offramp. The department may independently review compliance
35 with this certification. An advertising display subject to this section
36 shall be removed if it is in violation of this subdivision more than
37 three times within a 10-year period and the violation has not been
38 corrected within 30 days of the date of mailing of a violation notice
39 to the owner or operator by the department.

1 (e) The applicable city, county, or city and county authorizing
2 an advertising display placed pursuant to this section shall have
3 primary responsibility for ensuring that the display remains in
4 conformance with all provisions of this section. If the city, county,
5 or city and county fails to do so within 30 days of the date of
6 mailing of a notice to the city, county, or city and county by the
7 department, the city, county, or city and county shall hold the
8 department harmless and indemnify the department for all costs
9 incurred by the department to ensure compliance with this section
10 or to defend actions challenging the authorization of displays
11 pursuant to this section.